

PROCEEDINGS AGAINST JOSEPH SCALLEAT FOR  
CONTEMPT OF THE SENATE

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SEPTEMBER 18 (legislative day, SEPTEMBER 13), 1951.—Ordered to be printed

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Mr. O'CONOR, from the Special Committee To Investigate Organized Crime in Interstate Commerce, submitted the following

## REPORT

[To accompany S. Res. 214]

The Special Committee To Investigate Organized Crime in Interstate Commerce, as created and authorized by the United States Senate by Senate Resolution 202, Eighty-first Congress, second session, and as extended by Senate Resolution 129, Eighty-second Congress, first session, caused to be issued a subpoena to Joseph Scalleat, of Hazleton, Pa. The said subpoena directed Joseph Scalleat to be and appear before the said committee on August 7, 1951, at 10 a. m., at room 457, Senate Office Building, Washington, D. C., then and there to testify touching matters of inquiry committed to said committee, to produce certain records and documents, and not to depart without leave of said committee. The date of issuance of the subpoena was the 31st day of July 1951. Attendance pursuant to said subpoena was duly had on August 7, 1951, at 10 a. m., at which time the witness appeared. The subpoena served upon said Joseph Scalleat is set forth as follows:

UNITED STATES OF AMERICA

CONGRESS OF THE UNITED STATES

To JOSEPH SCALLEAT, *Hazleton, Pa.*, Greeting:

Pursuant to lawful authority, you are hereby commanded to appear before the Special Committee To Investigate Organized Crime In Interstate Commerce of the Senate of the United States, on August 7, 1951, at 10 o'clock a. m. at their committee room, Room 457, Senate Office Building, Washington, D. C., then and there to testify what you may know relative to the subject matters under consideration by said committee, and bring with you copies of your income-tax returns for the years 1945 to 1950, inclusive; also all bank accounts, canceled checks, bank statements, and all records of all real and personal property held by you, directly or indirectly.

Hereof fail not, as you will answer your default under the pains and penalties in such cases made and provided.

To United States marshal, Scranton, Pa., to serve and return.

Given under my hand, by order of the committee, this 31st day of July, in the year of our Lord one thousand nine hundred and fifty-one.

HERBERT R. O'CONOR,

*Chairman, Committee To Investigate Organized Crime in Interstate Commerce.*

The said subpoena was duly served as appears by the return made thereon by Edward A. Corcoran, who was duly authorized to serve the said subpoena. The return of the service by the said Edward A. Corcoran, being endorsed thereon, is set forth as follows:

AUGUST 4, 1951.

I made service of the within subpoena by making personal service on the within named Joseph Scalleat, Hazleton, Pa., at Scranton, Pa., where he appeared voluntarily, at 10:50 o'clock a. m., on the 4th day of August 1951.

So answers

CARL FLECKENSTINE,

*United States Marshal.*

Per EDWARD A. CORCORAN,

*Chief Deputy.*

The said Joseph Scalleat, pursuant to said subpoena and in compliance therewith, appeared before the said committee to give such testimony as required by virtue of Senate Resolution 202, Eighty-first Congress, second session, and Senate Resolution 129, Eighty-second Congress, first session. Joseph Scalleat having appeared as a witness and having been asked questions, which questions were pertinent to the subject matter under inquiry, failed and refused to produce these records and documents which he had been directed by the subpoena to produce, and made answers as appeared in the record of the hearing held on August 7, 1951, in room 457, United States Senate Office Building, Washington, D. C., which record is annexed hereto and made a part hereof and designated "Annex I."

As a result of said Joseph Scalleat's refusal to produce those records and documents which he had been directed by the subpoena to produce and to answer the questions pursuant to the said inquiry, as appears in the record annexed, consisting of the testimony of that day, the committee was prevented from receiving testimony and evidence concerning the matter committed to said committee in accordance with the terms of said subpoena served upon the witness.

The committee was therefore deprived of answers to questions pursuant to the committee's inquiry propounded to Joseph Scalleat pertinent to the subject matter which under Senate Resolution 202, Eighty-first Congress, second session, and Senate Resolution 129, Eighty-second Congress, first session, the said committee was instructed to investigate, and the refusal of the witness to produce those records and documents which he had been directed by the subpoena to produce and to answer said questions is a violation of the subpoena under which the witness was directed to appear and answer questions pertinent to the subject under inquiry, and to produce certain records and documents, and his persistent and illegal refusal to produce the aforesaid records and documents and to answer the aforesaid questions deprived the committee of necessary and pertinent testimony and evidence and places this witness in contempt of the United States Senate.

The subcommittee hearing at which said witness refused to produce the aforesaid records and documents and to answer said questions was

duly authorized by the following resolution of the said committee, which was unanimously adopted by said committee on May 23, 1951:

*Resolved*, That the chairman of this committee be, and he hereby is, authorized to appoint, at his discretion, one or more subcommittees, consisting of one or more members of this committee, of whom one member shall constitute a quorum for the purpose of taking sworn testimony, to hold hearings in furtherance of the committee's investigations of organized crime, at such times and at such places as the chairman shall designate in the vicinities of the cities of Lexington, Ky., Baltimore, Md., and Washington, D. C.

HERBERT R. O'CONOR, *Chairman*.  
CHARLES W. TOBEY.  
LESTER C. HUNT.  
ESTES KEFAUVER.  
ALEXANDER WILEY.

In accordance with the resolution of May 23, 1951, the chairman designated himself and Senators Lester C. Hunt and Alexander Wiley as a Subcommittee of Three to swear witnesses and to hear testimony at Washington, D. C., on August 7, 1951. The said Joseph Scalleat appeared and testified before the said subcommittee at a public hearing which was held on August 7, 1951, in room 457, United States Senate Office Building, Washington, D. C.

After reviewing the testimony and other facts as set forth herein, the committee at an executive session held on August 24, 1951, adopted a resolution authorizing presentation to the Senate of a Senate resolution requiring that proceedings for contempt be brought against the said Joseph Scalleat, as appears from the following excerpt from the minutes of the said meeting of August 24, 1951:

A meeting of the committee was held in the office of Senator Herbert R. O'Connor, room 248 of the United States Senate Office Building, on August 24, 1951, at 12:30 p. m.

Present were Senators O'Connor (chairman), Hunt, Kefauver, and Wiley. Also present was Richard G. Moser, chief counsel.

The chairman presented to the committee the resolution which was unanimously adopted by the committee on May 23, 1951, authorizing the chairman of the committee to appoint one or more subcommittees to hold hearings in the vicinity of the cities of Lexington, Ky., Baltimore, Md., and Washington, D. C.

The chairman stated to the committee that, pursuant to the said resolution of May 23, 1951, he had designated himself and Senators Lester C. Hunt and Alexander Wiley as a subcommittee of three to swear witnesses and to hear testimony in connection with organized crime at Washington, D. C., on August 7, 1951.

The chairman then presented to the committee the report of the proceedings of the public hearing which was held by the subcommittee on August 7, 1951, in room 457, United States Senate Office Building, Washington, D. C.

The chairman stated to the committee that the witnesses Patrick Joseph Size, Joseph C. Baldassari, and Joseph Scalleat, repeatedly, consistently, and arbitrarily had refused to answer questions put to them throughout the committee's examination of these witnesses on August 7, 1951, and that their refusal, therefore, was improper and contemptuous.

The chairman also stated to the committee that on August 7, 1951, the witnesses Patrick Joseph Size and Joseph C. Baldassari repeatedly and arbitrarily had refused to disclose to the committee the contents of those records and documents which they had been directed by the subpoena to produce, and that the witness Joseph Scalleat had arbitrarily failed and refused to produce altogether those records and documents which he had been directed by the subpoena to produce, and that this refusal on the part of the witness was, therefore, improper and contemptuous.

The chairman presented to the committee, for its consideration, draft reports on the entire matter, and the committee duly adopted the said reports and instructed the chairman to present them to the United States Senate.

After discussion, on motion duly made by Senator Kefauver and seconded by Senator Hunt, the following resolutions were unanimously adopted:

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"Resolved, That the committee present to the United States Senate, for its immediate action, a resolution requiring the United States attorney for the District of Columbia to proceed against the said Joseph Scalleat in the manner and form prescribed by law."

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HERBERT R. O'CONOR, *Chairman.*  
LESTER C. HUNT.  
ESTES KEFAUVER.  
ALEXANDER WILEY.

#### ANNEX I

#### INVESTIGATION OF ORGANIZED CRIME IN INTERSTATE COMMERCE

UNITED STATES SENATE,  
SPECIAL COMMITTEE TO INVESTIGATE  
ORGANIZED CRIME IN INTERSTATE COMMERCE,  
Washington, D. C., Tuesday, August 7, 1951.

The committee met, pursuant to call, at 10:10 a. m., in room 457, Senate Office Building, Senator Herbert R. O'Connor (chairman) presiding.

Present: Senators O'Connor (chairman) and Hunt.

Also present: Richard G. Moser, chief counsel; Rufus G. King, Jr., and Norman Polski, assistant counsel; and George Martin, Director of Public Information.

The CHAIRMAN. The hearing will please come to order.

At the outset I wish to announce that pursuant to a resolution of the full committee, the chairman is authorized to appoint a subcommittee to conduct this hearing and he has done so, designating the Senator from Wyoming, Mr. Hunt, the Senator from Wisconsin, Mr. Wiley, and the Senator from Maryland to constitute the subcommittee, with the usual provision that any one will constitute a quorum.

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The CHAIRMAN. Joseph Scalleat, raise your right hand, please.  
In the presence of Almighty God, do you swear that the testimony you give shall be the truth, the whole truth and nothing but the truth?  
Mr. SCALLEAT. Yes, sir.

#### TESTIMONY OF JOSEPH SCALLEAT, OF HAZLETON, PA.

The CHAIRMAN. Thank you. Now will you kindly state your full name.

Mr. SCALLEAT. Joseph Scalleat.

The CHAIRMAN. Is that spelled S-c-a-l-l-e-a-t?

Mr. SCALLEAT. Correct.

The CHAIRMAN. And your address?

Mr. SCALLEAT. 594 Harrison Street, Hazleton, Pa.

The CHAIRMAN. 594?

Mr. SCALLEAT. Yes, sir.

The CHAIRMAN. Now how long have you lived in Hazleton?

Mr. SCALLEAT. Practically all my life.

The CHAIRMAN. And how long would that be approximately?

Mr. SCALLEAT. Well, I am going to be 40 in October.

The CHAIRMAN. What family do you have?

Mr. SCALLEAT. Wife and two children.

The CHAIRMAN. In what line of business have you been engaged?

Mr. SCALLEAT. I decline to answer that question. I stand on my constitutional rights, for fear it might incriminate me.

The CHAIRMAN. All right.

Mr. Polski, will you kindly resume?

Mr. POLSKI. Mr. Scalleat, you were asked to produce certain records and documents in reference to the subpoena that you received. Do you have those with you?

Mr. SCALLEAT. No, I don't.



Mr. POLSKI. You do not. Why don't you have them?

Mr. SCALLEAT. Well, I think the Government has a record of my income-tax returns.

The CHAIRMAN. Is that all that you were asked to produce?

Mr. SCALLEAT. Well, it says there about property directly or indirectly; is that right?

Mr. POLSKI. I believe there were books and documents relating to your business operations also.

Mr. SCALLEAT. I haven't brought anything.

Mr. POLSKI. Why haven't you brought them?

Mr. SCALLEAT. I refuse to bring anything because it might incriminate me.

The CHAIRMAN. Are we to understand, Mr. Scalleat, that you ignored the request of the committee even to bring them with you?

Mr. SCALLEAT. Well, I don't know how to answer that question. I am not an attorney and I am trying to do the best I can.

The CHAIRMAN. Well, of course, you understand what I mean when I say that you apparently have ignored the request of the committee even to bring them, much less present them to the committee. Did you not feel that you at least ought to bring them with you, to have them available?

Mr. SCALLEAT. Well, I didn't think it was necessary.

The CHAIRMAN. All right; go ahead, Mr. Polski.

Mr. POLSKI. Mr. Scalleat, in the subpoena it stated that you were to bring your income-tax returns for the years 1945 to 1950, inclusive, your bank accounts, canceled checks, bank statement, and records of security holdings in which you appear directly or indirectly. Now how would your account, say, with any business that you are involved in incriminate you?

Mr. SCALLEAT. I still decline to answer that question.

Mr. POLSKI. You decline to say how it would incriminate you. Are you fearful of a Federal or State offense?

Mr. SCALLEAT. Just what do you mean, sir?

Mr. POLSKI. Well, the grounds that you are basing your refusal to answer on, is that based on a Federal offense or on a State offense?

Mr. SCALLEAT. Still it isn't clear to me.

Mr. POLSKI. Is the offense that you refuse to answer the question on based on a Federal question or is it based on a State question?

Mr. SCALLEAT. I am not going to answer if these fellows don't stop making me nervous.

The CHAIRMAN. We will ask the photographers if they will just give the witness an opportunity—

Mr. SCALLEAT. I was subpoenaed here as a witness, and I want to be a witness, but I don't want to be made nervous by these fellows.

The CHAIRMAN. You are entitled, Mr. Scalleat, to do what you want to do so that you calmly and without interruption proceed with your testimony.

Go ahead and take the picture now. I assume you have no objection to that?

Mr. SCALLEAT. Go ahead.

The CHAIRMAN. Now the question is, Mr. Scalleat, whether in declining to answer you base your declination on any fear of prosecution of either a State or Federal offense?

Mr. SCALLEAT. I decline to answer that question.

The CHAIRMAN. In other words, you do not even want to state what you base it on?

Mr. SCALLEAT. No.

Mr. POLSKI. Did the offense that you have in mind occur more than 10 years ago?

Mr. SCALLEAT. The what?

Mr. POLSKI. Did the offense that you have in mind, that you are afraid of opening yourself to criminal proceedings on, occur over 10 years ago?

Mr. SCALLEAT. I decline to answer that question.

Mr. POLSKI. What was the answer? How many brothers do you have, Mr. Scalleat?

Mr. SCALLEAT. I decline to answer that question.

The CHAIRMAN. Would that incriminate you?

Mr. SCALLEAT. Sir, you gentlemen are going to ask me a lot of questions and you are going to make a chain around me. I am going to decline to answer every question you ask me.

The CHAIRMAN. In other words, Mr. Scalleat, so we may understand your position, you have come here in response to the subpoena of the Senate committee with the announced intention of refusing to answer any and every question?

Mr. SCALLEAT. What is my right?

The CHAIRMAN. Well, now did you just say you are going to refuse to answer every question?

Mr. SCALLEAT. What is my right? Do I have that right, for fear that it might incriminate me?

The CHAIRMAN. I am not your adviser, Mr. Scalleat.

Mr. SCALLEAT. But, Mr. Senator, I am an American citizen and I believe I can ask that question.

The CHAIRMAN. Yes, but all we are trying to do is to get your position clearly before us, and it is your position that you are going to decline to answer every question?

Mr. SCALLEAT. That is right, sir.

The CHAIRMAN. Regardless of the nature of it?

Mr. SCALLEAT. Of what?

The CHAIRMAN. Regardless of what it may be?

Mr. SCALLEAT. Whatever question you gentlemen ask me, I am going to ask to refuse for fear of incrimination. Stand on my constitutional rights.

The CHAIRMAN. Even though the question is about a matter as to your family, your brothers and sisters?

Mr. SCALLEAT. It doesn't matter.

The CHAIRMAN. You are going to refuse to answer that?

Mr. SCALLEAT. That is correct.

The CHAIRMAN. Let us ask a few questions along that line.

Mr. SCALLEAT. One question brings on another and you are just putting a chain around me, link, link by link.

The CHAIRMAN. What is your present address?

Mr. SCALLEAT. 594 Harrison Street.

The CHAIRMAN. And how long have you lived there?

Mr. SCALLEAT. Well, the biggest part of my life.

The CHAIRMAN. You are now between 39 and 40, as I understand your previous testimony.

Mr. SCALLEAT. That is right.

The CHAIRMAN. When did you first go to work?

Mr. SCALLEAT. I refuse to answer.

The CHAIRMAN. What school did you attend?

Mr. SCALLEAT. The public schools of Hazleton.

The CHAIRMAN. And when did you leave the public schools?

Mr. SCALLEAT. I believe in the eighth grade or the ninth, either one.

The CHAIRMAN. At the age of 13, 14, around there?

Mr. SCALLEAT. Fifteen, around there.

The CHAIRMAN. Fifteen or so. And did you go to work immediately?

Mr. SCALLEAT. I refuse to answer.

The CHAIRMAN. That's been 24 years ago. You certainly have nothing to fear by way of possible prosecution of something that happened 24 years ago when you were 15 years of age, Mr. Scalleat.

Mr. SCALLEAT. No, but I think it is my right to refuse.

The CHAIRMAN. Do you decline to say what kind of work you did at the age of 15?

Mr. SCALLEAT. Yes, I do.

The CHAIRMAN. And do you decline to tell us what kind of work you did in the years immediately following that?

Mr. SCALLEAT. Yes, I do.

The CHAIRMAN. Let me ask you this question, too, which is similar to a question asked before of others. Have you ever engaged in any legitimate business or occupation?

Mr. SCALLEAT. I decline to answer that question.

The CHAIRMAN. In other words, you decline to state whether at any time in your life you have done anything by way of legal business or honest employment. Do you decline?

Mr. SCALLEAT. Yes, I do.

The CHAIRMAN. Mr. Scalleat, so we may understand, the committee directs that you answer each of those questions, and are we to understand that you still refuse to answer?

Mr. SCALLEAT. For fear that it might incriminate me. I stand on my constitutional rights. I believe that I have the right to refuse.

The CHAIRMAN. Refuse to answer every question?

Mr. SCALLEAT. That is right.

The CHAIRMAN. All right, go ahead, Counsel.

Mr. POLSKI. Mr. Scalleat, do you have a brother by the name of Sam?

Mr. SCALLEAT. I refuse to answer.

Mr. POLSKI. How about a brother by the name of Albert?

Mr. SCALLEAT. I refuse to answer for fear it might incriminate me, and I stand on my constitutional rights.

Mr. POLSKI. Are the three of you at present in business known as the Hazel Vending Co.?

Mr. SCALLEAT. I refuse to answer for fear of incrimination.

Mr. POLSKI. What is the nature of that operation?

Mr. SCALLEAT. I refuse to answer.

Mr. POLSKI. Have you been connected with any illegal activities?

Mr. SCALLEAT. I refuse to answer.

The CHAIRMAN. Do you know Jack Parisi?

Mr. SCALLEAT. I refuse to answer.

The CHAIRMAN. Isn't it a fact that you were in contact with Jack Parisi who was the trigger man for Murder, Inc., when Jack Parisi was in the vicinity of Hazleton?

Mr. SCALLEAT. I refuse to answer.

The CHAIRMAN. Do you remember when Parisi was arrested in the rear of a dwelling?

Mr. SCALLEAT. I refuse to—

The CHAIRMAN. Near the corner of Harrison and Second Street in October of 1949. Do you remember that?

Mr. SCALLEAT. I refuse to answer.

The CHAIRMAN. And his hide-out was located, according to our information—we want to give you a chance to explain it—in a structure or a building which was occupied by and controlled by a relative of yours. Do you know anything about that?

Mr. SCALLEAT. I refuse to answer.

The CHAIRMAN. The Parisi that I referred to had been a fugitive for about 10 years, and according to our information had been the trigger man for Murder, Inc. Now are you prepared to give us any information on that or do you now avail yourself of the opportunity to clear any suspicion that might rest about you?

Mr. SCALLEAT. I don't know anything about anybody else. Therefore, I refuse to answer.

The CHAIRMAN. Well, now, of course, that statement is ridiculous on its face, Mr. Scalleat. We could not accept that because any man that says he does not know anything about anybody else, that statement is not even worthy of acceptance.

Mr. SCALLEAT. I like to mind my own business.

The CHAIRMAN. Then if you have had no improper connection with Jack Parisi, you now have the chance to tell anything at all you know about it if there is nothing to hide.

Mr. SCALLEAT. I refuse to answer.

Mr. POLSKI. Mr. Scalleat, isn't it a fact that you used to take Parisi for rides in the evening while he was in your custody?

Mr. SCALLEAT. I refuse to answer.

Mr. POLSKI. That Parisi was located at a house at 561 Harrison Street in the rear, a house which was owned by De Lorenzo, who married your sister Nellie.

Mr. SCALLEAT. I refuse to answer.

Mr. POLSKI. Do you happen to know what they wanted Parisi for?

Mr. SCALLEAT. I refuse to answer. I stand on my constitutional rights. I have the right to refuse. I am going to refuse every question you ask.

Mr. POLSKI. Do you know where Mr. Parisi is at the present time?

Mr. SCALLEAT. I refuse to answer.

Mr. POLSKI. Do you own an automobile, sir?

Mr. SCALLEAT. I refuse to answer. I stand on my constitutional rights.

Mr. POLSKI. How is that going to incriminate you?

Mr. SCALLEAT. I have the right to refuse; don't I?

Mr. POLSKI. Not necessarily, unless you can show where it will involve a question which would warrant the right to refuse. Hundreds and thousands of people own automobiles.

Mr. SCALLEAT. That is right.

Mr. POLSKI. All I am asking you is do you own an automobile.

Mr. SCALLEAT. I refuse to answer.

The CHAIRMAN. That will conclude the testimony of Mr. Scalleat.

The Chair wishes to announce, because there is no use to delay the question, that you will be recommended for contempt for your conduct. Of course, that will necessarily have to be passed on by the whole committee, but the subcommittee will recommend to the full committee that you be cited for contempt. You are now excused.

Mr. SCALLEAT. Thank you, gentlemen.